

d.) Remarks.

Applicant has amended claims 1, 10, 24, 31, 38, 43, 47, 50, 57, 58, 63, 65, 66, 73, and 74. Support for these amendments can be found throughout the specification. Support for the amendments to claims 43 and 66 can specifically be found in claim 1. No new claims have been added. Therefore, claims 1-5, 7-45, 47-51, and 53-81 remain pending.

Remarks Regarding the Specification

The disclosure stands objected to because of two informalities. Specifically, the Examiner stated that the status of related applications had to be updated and that a reference number had to be corrected. Both of these informalities were corrected and therefore, Applicant respectfully requests withdrawal of the objection.

Remarks Regarding Claim Objections

Claims 1-5, 7-42, 47-51, 53-65, 73, and 76-80 stand objected to because of informalities. Specifically, in claim 1, "an conductive core" should be "a conductive core". Claims 10, 38, 47 and 58 contained improper means plus function language. Claims 24, 26, and 31 had typographical errors. Claims 50, 57, 65, and 73 had improper antecedent bases. Claim 63 contained an extraneous "a". Finally, Claim 73 was "confusing". Each of these informalities was corrected and therefore, Applicant respectfully requests withdrawal of the objection.

Remarks Regarding 35 USC § 101

Claims 1-5, 7-42, 74-78, and 81 stand rejected under 35 USC § 101 because they claim non-statutory subject matter. Specifically, the Examiner states that "the 'surface of interest' is tissue, a part of the body is claimed, which is non-statutory subject matter." Applicant has deleted the phrase "said portion of the wall being adjacent to a surface of interest" from each of independent claims 1, 24, and 74. Thereby, each of these independent

claims and all of their dependents are now directed toward statutory subject matter. Thus, Applicant respectfully requests withdrawal of the rejection.

Remarks Regarding 35 U.S.C. § 102(b)

Claims 66-73 stand rejected, under 35 U.S.C. § 102(b), as allegedly anticipated by Kittrell et al. (US Patent No. 5,106,387). Applicant respectfully traverses this rejection.

As suggested by the examiner, Applicant has amended independent claim 66 to read "...a probe placed in contact with said tissue surface..." Since claim 66 now requires that the probe come into direct contact with the tissue surface, Applicant asserts that Kittrell et al. does not teach all of the elements of claim 66. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Remarks Regarding 35 U.S.C. § 103

Claims 43-45 stand rejected under 35 USC § 103 based on both Kittrell et al. in view of Mersch (USP 5,776,129) and Kittrell et al. in view of Fox et al. (USP 5, 395, 361). Specifically, in both cases the Examiner states that Kittrell discloses all of the elements except for showing that the fibers are on the outside of the balloon. The Examiner uses either Mersch or Fox to show the missing element. Applicant respectfully traverses this rejection.

Applicant has amended independent claim 43 to read "...wherein said distal collection end directly contacts a portion of the wall of the balloon." Since claim 43 now requires that the probe come into direct contact with the wall of the balloon, Applicant asserts that Kittrell et al., either alone or in combination with either Mersch or Fox, does not teach all of the elements of claim 43. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Conclusion

In view of the foregoing amendments and/or remarks, reconsideration of the application and issuance of a Notice of Allowance is respectfully requested.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the number below.

Should additional fees be necessary in connection with the filing of this Responsive Amendment, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge **Deposit Account No. 14-1437 for any such fees referencing attorney Docket No. 8118.003.USDV**, and Applicant hereby petitions for any needed extension of time not otherwise accounted for with this submission.

Respectfully submitted,
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By



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